

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

Southern

District of

New York

Jeffrey Henry

## SUMMONS IN A CIVIL ACTION

V.

City of New York, Sean McCarthy, Jose Arenas,  
Brian Taylor, Jason Rubenstein, Donna Gaudino

CASE NUMBER:

07 CV 11117

TO: (Name and address of Defendant)

Police Officer Donna Gaudino  
c/o NYPD  
17 Precinct  
167 East 51st Street  
New York, NY

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Leventhal & Klein, LLP  
45 Main Street, Suite 230  
Brooklyn, NY 11201

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

DEC 7 2007

CLERK

DATE

(By) DEPUTY CLERK

*Marcos Quintero*

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| RETURN OF SERVICE   |          |                |
|---|----------|----------------|
| Service of the Summons and complaint was made by me <sup>(1)</sup>  | DATE     | 12/27/07       |
| NAME OF SERVER (PRINT)<br>Byron E. McElderry  | TITLE    | Process Server |
| <i>Check one box below to indicate appropriate method of service</i>  |          |                |
| <input type="checkbox"/> Served personally upon the defendant. Place where served:<br><br><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.<br>Name of person with whom the summons and complaint were left:<br><br><input type="checkbox"/> Returned unexecuted:<br><br><input checked="" type="checkbox"/> Other (specify): Left with a co-worker, Lt. Napoli, c/o the 17th Precinct. (M, W, Br, 47, 5'7, 150) |          |                |
| STATEMENT OF SERVICE FEES   |          |                |
| TRAVEL  | SERVICES | TOTAL \$0.00   |
| DECLARATION OF SERVER   |          |                |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>01/02/08</u> <span style="margin-left: 100px;">X</span></p> <p style="margin-left: 250px;">Date</p> <p style="margin-left: 250px;">Signature of Server <u>Byron E. McElderry, Lic. # 869802</u></p> <p style="margin-left: 250px;">Address of Server <u>165 E. 197 St, #216, Bronx, NY 10463</u></p>      |          |                |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.